



STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

file
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

0031

May 2, 1983

REGISTERED RETURN RECEIPT REQUESTED

POS 7075456

Mr. Wendell J. Owen
Co-op Mining Company
P.O. Box 1245
Huntington, Utah 84528

RE: Finalized Assessment for
State Violation No. N82-5-2-10
ACT/015/025
Folder No. 8
Emery County, Utah

Dear Mr. Owen:

The civil penalty for the Violation No. N82-5-2-10, has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/gb

Enclosure

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
1588 West North Temple
Salt Lake City, Utah

NOV/00X No. N82-5-2-10

Location of Conference: Salt Lake City, Utah

Date of Conference: April 4, 1983

Company Name/Mine Name: Co-op Mining / Bear Creek Canyon / ACT/015/025

Persons in Attendance

Randy Cubs, Scott Nordness

Wendell Owen

Ron Daniels, John Whitehead

Title

Viking Engineering

Co-op Mining

DOGM

Violation No.

Amount of Assessment
As Revised

<u>1 of 10</u>	<u>\$ 360.00</u>
<u>2 of 10</u>	<u>540.00</u>
<u>3 of 10</u>	<u>180.00</u>
<u>4 of 10</u>	<u>380.00</u>
<u>5 of 10</u>	<u>170.00</u>
<u>6 of 10</u>	<u>260.00</u>
<u>7 of 10</u>	<u>220.00</u>
<u>8 of 10</u>	<u>460.00</u>
<u>9 of 10</u>	<u>720.00</u>
<u>10 of 10</u>	<u>560.00</u>
<u>Total</u>	<u>3,850.00</u>

Approved: RW Daniels

(Signature of Conference Officer)

Date: 5/2/83

* -The operator is due a refund in the amount of \$370.00. Due to his having escrowed \$4,220.00 by check #6342 dated February 17, 1983.

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT (continued)

1. Notice of Violation/~~Cessation~~ Order No. N82-5-2-10

Violation 1 of 10

(a) Nature of violation: Conducting mining activities without approval.

(b) Date of termination: March 10, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>4</u>	<u>4</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>15</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>21</u>	<u>28</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Negligence points are increased due to the operator having received prior guidance relative to the use of the area in question.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cessation~~ Order No. N82-5-2-10

Violation 2 of 10

(a) Nature of violation: Conducting mining without approval.

(b) Date of termination: C083-5-1-4 issued February 2, 1983 terminated 2/3/8

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>--</u>
Extent of Damage	<u>16</u>	<u>--</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>12</u>
(c) Negligence	<u>8</u>	<u>23</u>
(d) Good Faith	<u>0</u>	<u>0</u>
(e) Acreage	<u>0</u>	<u>0</u>
TOTAL	<u>38</u>	<u>37</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

The violations status is changed from an event violation to an obstruction violation per the revised inspectors statement dated April 7, 1983.

Negligence points are increased to the knowing and willful category due to the operator having received prior notice of the potential violation.

ASSESSMENT CONFERENCE REPORT (continued)

1. Notice of Violation/~~Cancellation~~ Order No. N82-5-2-10

Violation 3 of 10

(a) Nature of violation: Failure to post perimeter markers.

(b) Date of termination: December 22, 1982

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>--</u>	<u>--</u>
Extent of Damage	<u>--</u>	<u>--</u>
(2) Obstr. to Enforcement	<u>12</u>	<u>12</u>
(c) Negligence	<u>12</u>	<u>12</u>
(d) Good Faith	<u>--</u>	<u>-8</u>
(e) Acreage	<u>-</u>	<u>-</u>
TOTAL	<u>26</u>	<u>18</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Rapid abatement, easy abatement situation makes the work done by the operator eligible for good faith.

ASSESSMENT CONFERENCE REPORT (continued)

1. Notice of Violation/~~Cancellation~~ Order No. N82-5-2-10

Violation 4 of 10

(a) Nature of violation: Failure to manage topsoil

(b) Date of termination: Failure to abate C83-5-1-4 issued February 2, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>4</u>	<u>4</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>16</u>
(d) Good Faith	<u>0</u>	<u>0</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>21</u>	<u>29</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Negligence points are increased due to the operator having received previous communications (warnings) on the removal of the shuttle cars subject to this violation. Topsoil management however was not the message of said warnings.

ASSESSMENT CONFERENCE REPORT (continued)

1. Notice of Violation/~~Cessation~~ Order No. N82-5-2-10

Violation 5 of 10

(a) Nature of violation: Failure to protect topsoil.

(b) Date of termination: March 10, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>5</u>
Extent of Damage	<u>4</u>	<u>2</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>21</u>	<u>17</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Damage and probability are less than originally estimated.

ASSESSMENT CONFERENCE REPORT (continued)

1. Notice of Violation/~~Cessation~~ Order No. N82-5-2-10

Violation 6 of 10

(a) Nature of violation: Failure to conduct mining activities so as to minimize charges to the Hydrologic balance.

(b) Date of termination: December 17, 1982

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>17</u>
Extent of Damage	<u>16</u>	<u>16</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>- 20</u>
(e) Acreage	<u>--</u>	<u> </u>
TOTAL	<u>43</u>	<u>23</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Immediate abatement, easy situation qualifies the violation for good faith points awarded.

ASSESSMENT CONFERENCE REPORT (continued)

1. Notice of Violation/~~Cessation~~ Order No. N82-5-2-10

Violation 7 of 10

(a) Nature of violation: Failure to maintain sediment controls.

(b) Date of termination: Failure to abate CO#83-5-14 issued 2/2/83.
Terminated 2/7/83.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>4</u>	<u>4</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>21</u>	<u>21</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cessation~~ Order No. N82-5-2-10

Violation 8 of 10

(a) Nature of violation: Failure to minimize changes to the hydrologic balance

(b) Date of termination: Failure to abate c.o. issued 2/2/83, abated 2/3/83.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>7</u>	<u>7</u>
Extent of Damage	<u>16</u>	<u>16</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>33</u>	<u>33</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cancellation~~ Order No. N82-5-2-10

Violation 9 of 10

(a) Nature of violation: Failure to maintain diversions

(b) Date of termination: March 10, 1983

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>17</u>
Extent of Damage	<u>16</u>	<u>16</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>8</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>43</u>	<u>43</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/~~Cessation~~ Order No. N82-5-2-10
- Violation 10 of 10
- (a) Nature of violation: Failure to construct & use sediment control measures
- (b) Date of termination: March 10, 1983

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	<u>2</u>	<u>2</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>16</u>	<u>16</u>
(2) Obstr. to Enforcement	<u>--</u>	<u>--</u>
(c) Negligence	<u>8</u>	<u>8</u>
(d) Good Faith	<u>--</u>	<u>--</u>
(e) Acreage	<u>--</u>	<u>--</u>
TOTAL	<u>38</u>	<u>38</u>

3. Narrative:
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)